

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 17th day of July, 2001.

CORAM :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. S. Dayal, Member- A.

Original Application No. 438 of 2001.

Veer Singh S/o Sri Ram Dayal
R/o House No. 1198, Gondu Compound, Sipri Bazar,
Jhansi.

.....Applicant

Counsel for the applicant :- Sri Sudhir Kumar Srivastava

V E R S U S

1. Union of India through the General Manager, Central Railway, Chhatrapati Shivaji Terminal, Mumbai.
2. The Assistant Works Manager, (R),
Central Railway, Jhansi.
3. The Nirman Prabandhak, Central Railway, Jhansi.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh.

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of the Administrative Tribunal's Act, 1985, applicant has challenged the order dt. 26.09.00 by which he has been dismissed from service on conclusion of disciplinary proceedings. Against the above order, applicant filed appeal which has been dismissed on 22.01.2001 which has also been challenged. Learned counsel for the applicant

has submitted that appellate order does not contain any reason for not accepting the grounds raised in the memo of appeal. Such order, passed by appellate authority can not be sustained and is liable to be set-aside as it does not satisfy the principle^{of} of natural justice.

2. Sri K.P. Singh, learned counsel for the respondents though tried to justify the order of appellate authority but he could not satisfy us as to how the order of appellate authority can be sustained in the absence of reasons for rejecting the grounds taken in appeal.

3. The purpose ^{behind} ~~behind~~ providing the remedy of appeal is that mistakes^{and} and errors committed by the disciplinary authority may be corrected. A perusal of the disciplinary authority's order shows that he has also not dealt with the explanation submitted by the applicant after service of the report of Enquiry Officer. General agreement mentioned by the disciplinary ^{authority} with the findings of the Enquiry Officer could not serve the purpose without expressing any opinion on the explanation submitted by the applicant. As the ~~order of~~ disciplinary authority committed mistake^{if} ~~which~~ was obligatory on the part of the appellate authority to consider the whole matter in accordance with law. He was also under obligation to consider the grounds raised in the memo of appeal before passing the order on the same. As this has not been done, the order can not be sustained.

4. The OA is accordingly allowed in part. The order of appellate authority dt. 22.01.2001 is quashed. The appeal of the applicant shall stand revived^{before} before the appellate authority and shall be considered and decided in accordance with law in the light of above observation within three^{months} ~~months~~ from the date a copy of this order is filed before him.

There will be no order as to costs.

/Anand/

Member- A.

Vice-Chairman.